

McGRATH NORTH

ATTORNEYS AT LAW

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March 20, 2008

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

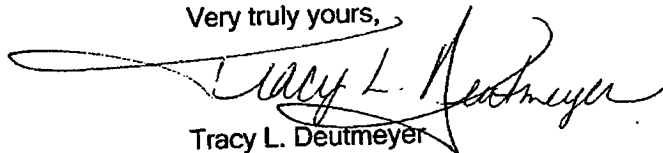
Re: NATIONAL TOMATO MONTH
Trademark Application Serial No. 78/964,194

Dear Commissioner:

Enclosed for filing is a Request to Divide Application and Amendment to Allege Use with Declaration for the above-referenced trademark along with (1) a check in the amount of \$100.00 for the fee for the Request to Divide, and (2) a check in the amount of \$100.00 for the Amendment to Allege Use.

Thank you for your attention to this matter and please feel free to contact me should you have any questions.

Very truly yours,



Tracy L. Deutmeyer

TLD/rlt
Enclosures



03-24-2008

U.S. Patent & TMDR/TM Mail Rpt. Dt. #34

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Serial No.: 78/964,194)
Filed: August 30, 2006)
Mark: NATIONAL TOMATO MONTH)

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

REQUEST TO DIVIDE APPLICATION
PURSUANT TO 37 C.F.R. § 2.87

Sir or Madam:

Applicant hereby requests that this application be divided into two applications by:

- (1) Retaining "tomato paste; diced tomatoes; whole processed tomatoes" in International Class 29 and "tomato sauce; spaghetti; ketchup" in International Class 30 in the parent application; and
- (2) By making "promoting the public awareness of the potential uses of, health benefits of, and nutritional benefits of tomatoes and tomato-based products" in International Class 35 the subject of a new child application.

The fee of \$100 to divide the application is submitted herewith.

An Amendment to Allege Use under 37 C.F.R. § 2.76 regarding the services "promoting the public awareness of the potential uses of, health benefits of, and nutritional benefits of tomatoes and tomato-based products" in International Class 35 (the goods to be divided into a new application) is submitted herewith. Attached to the Amendment to Allege Use is one specimen evidencing use of the mark together with a check in the amount of \$100 to cover the filing fee.

Respectfully submitted,

ConAgra Foods RDM, Inc.

Dated: 3/30/2008

By: Tracy L. Deutmeyer
Tracy L. Deutmeyer
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ATTORNEYS FOR APPLICANT

CERTIFICATE OF MAILING

I hereby certify that this correspondence, document and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on this 30th day of March, 2008.

Tracy L. Deutmeyer
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